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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/927,163	08/09/2001	John Wilkes	10006371-1	4638

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EXAMINER
LY, ANH

ART UNIT	PAPER NUMBER
2162	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/07/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	09/927,163	WILKES, JOHN	
	Examiner	Art Unit	
	Anh Ly	2162	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1:136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 September 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-33* is/are pending in the application.

4a) Of the above claim(s) *26* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-25 and 27-33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This Office is response to Applicant's AMENDMENT filed on 09/08/2006.

2. Claims 27-33 have been added.

3. Claims 1-25 and 27-33 are pending in this Application.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 15-25 and 29-33 are rejected under 35 U.S.C. 101 are rejected under 35 U.S.C. 101. The bodies of claims 15, 22 and 25 in view of MPEP 2100 (IV)(B)(2)(b)(ii) sections are non statutory because they are **lacking of real world useful result**. They are missing the steps or processes producing any useful result to the invention, of having a utility to convey the final result achieved by the claimed invention, that is, they are not producing a result tied to the real/physical world or this application is not a practical application.

Also, claims 15, 22 and 25 include all computer-readable codes stored on a computer-readable medium such as CD, but without a hardware implementing or executing these program codes or instructions. This is a **non-functional descriptive material**, which is an abstract idea and is a non-statutory subject matter.

The claims lack the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 USC 101. They are clearly not a series of steps or act to be a process nor are they a combination of chemical compounds to be a composition of matter. As such, they fail to fall

within a statutory category. They are, at best, functional descriptive material *per se*.

Descriptive material can be characterized as either "functional descriptive material" or "nonfunctional descriptive material." Both types of "descriptive material" are nonstatutory when claimed as descriptive material *per se*, 33 F.3d at 1360, 31 USPQ2d at 1759. When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. Compare *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994)

Merely claiming nonfunctional descriptive material, i.e., abstract ideas, stored on a computer-readable medium, in a computer, or on an electromagnetic carrier signal, does not make it statutory. See *Diehr*, 450 U.S. at 185-86, 209 USPQ at 8 (noting that the claims for an algorithm in *Benson* were unpatentable as abstract ideas because "[t]he sole practical application of the algorithm was in connection with the programming of a general purpose computer.").

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1-14, 15-21, 22-24, 25 and 27-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pub. No.: US 2002/0161784 A1 of Tarenskeen in view of Pub. No.: US 20020152194 A of Sathyannarayan.

With respect to claim 1, Tarenskeen a method of retrieving data from a data storage medium (accessing data stored on the data storage medium such as tape: sections 0004 and 0013-0014 and fig. 1), comprising:

loading a program from the data storage medium into a computer system, the program including at least a first routine for responding to a first request type for access to data stored on the data storage medium and a second routine for responding to a second request type for access to the same data stored on the data storage medium, the data being stored in accordance with an archival format (accessing data form a software application including routines such as archive routine and file system routine or restore routine: abstract, sections 0019-0023);

receiving a request for access to data stored on the data storage medium (receiving requests from archive routine for accessing the data stored on the storage medium: section 0020);

calling the first routine for accessing the data when the request is of the first type and calling the second routine for accessing the data when the request is of the second type (calling the archive or file system routine via API section 0020); and

presenting the requested data (user from his/her terminal enabling to view or present the result: section 0019).

Tarenskeen teaches two routines such as archive and file system stored on an software program storing on a data storage medium and receiving requests from a user of the system in order to access the data storage. Tarenskeen does not clearly teach determining whether the request is of the first type or the second type.

However, Sathyanarayan teaches determining the request type such as archive (CPIO and TAR) and file system type (reading and writing) (sections 0027-0028 and 0031). Also, software program and the accessible data are stored on the same disk (section 0019)

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Tarenskeen with the teachings of Sythyanarayan. One having ordinary skill in the art would have found it motivated to utilize the use of determining the request type such as archive operation and file system operation as disclosed (Sathyanarayan's sections 0027-0028), into the system of Tarenskeen for the purpose of having archiving utilities for the Unix operating system such as CPIO and TAR and file system operations such as reading, writing and restoring operations (Sathyanarayan's sections 0001-0002, thereby, speeding up archival operations and a copy process is also speeded up by transferring data from /to data storage media and to minimize problems caused by the different types of storage devices having different data storage formats (Sathyanarayan's sections 0003-007).

With respect to claim 2, Tarenskeen teaches wherein the first routine implements a first set of operations and the second routine implements a second set of operations (archive routine and file system routine or restore routine: abstract, sections 0019-0023).

With respect to claim 3, Tarenskeen teaches wherein the first set of operations including file system operations (fig. 2, item 118).

With respect to claim 4, Tarenskeen teaches standardized archival operations (fig. 2, item 122).

With respect to claim 5, Tarenskeen teach a method as discussed in claim 1.

Tarenskeen teaches two routines such as archive and file system stored on an software program storing on a data storage medium and receiving requests from a user of the system in order to access the data storage.

Tarenskeen does not clearly teach determining whether the request is of the first type or the second type.

However, Sathyanarayan teaches archive formats: CPIO and TAR (sections 0027-0028 and 0031).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Tarenskeen with the teachings of Sythyanarayan. One having ordinary skill in the art would have found it motivated to utilize the use of determining the request type such as archive operation and file system operation as disclosed (Sathyanarayan's sections 0027-0028), into the system of Tarenskeen for the purpose of having archiving utilities for the Unix operating system such as CPIO and TAR and file system operations such as reading, writing and restoring operations (Sathyanarayan's sections 0001-0002, thereby, speeding up archival operations and a copy process is also speeded up by transferring data from /to data storage media and to minimize problems caused by the different types of storage devices having different data storage formats (Sathyanarayan's sections 0003-007).

With respect to claim 6, Tarenskeen teaches wherein the first request type includes a request for one or more files from a file system (fig. 2, item 188).

With respect to claims 7, 13-14, 27, Tarenskeen teach a method as discussed in claim 1.

Tarenskeen teaches two routines such as archive and file system stored on an software program storing on a data storage medium and receiving requests from a user of the system in order to access the data storage.

Tarenskeen does not clearly teach reformatting all of the data as a file structure; wherein the information about the data includes a file system directory and wherein the data is stored on the data storage medium as raw data blocks

However, Sathyanarayan teaches file directories (abstract, sections 0018 and 0024-0025; also see sections 0030 and 0049 and 0034 and 0039).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Tarenskeen with the teachings of Sythyanarayan. One having ordinary skill in the art would have found it motivated to utilize the use of determining the request type such as archive operation and file system operation as disclosed (Sathyanarayan's sections 0027-0028), into the system of Tarenskeen for the purpose of having archiving utilities for the Unix operating system such as CPIO and TAR and file system operations such as reading, writing and restoring operations (Sathyanarayan's sections 0001-0002, thereby, speeding up archival operations and a copy process is also speeded up by transferring data from /to data storage

media and to minimize problems caused by the different types of storage devices having different data storage formats (Sathyanarayan's sections 0003-007).

With respect to claim 8, Tarenskeen teaches a request for one or more volumes (storage device, see fig. 1 and sections 0013-0014 and 0027-0028; also, sections 0001-0007).

With respect to claim 9, Tarenskeen teaches a request for an image copy of the data (abstract and section 0050).

With respect to claim 10, Tarenskeen teaches wherein the first request type is by a first target system type and the second request type is by a second target system type (archive routine and file system routine or restore routine: abstract, sections 0019-0023).

With respect to claim 11, Tarenskeen teaches wherein said presenting the requested data includes formatting the data in accordance with the target system type (archive routine and file system routine or restore routine: abstract, sections 0019-0023).

With respect to claim 12, Tarenskeen teaches wherein the program includes information about the data (section 0026).

With respect to claim 15, Tarenskeen teaches an article of manufacture comprising a computer usable medium having data stored thereon and having computer readable program code stored thereon (software code or instructions stored on the disks such as CD: sections 0023 and 0053), the computer readable program code including a first routine for accessing the data and a second routine for accessing the data (accessing data form a software application

including routines such as archive routine and file system routine or restore routine: abstract, sections 0019-0023, receiving requests from archive routine for accessing the data stored on the storage medium: section 0020 and calling the archive or file system routine via API section 0020).

Tarenskeen teaches two routines such as archive and file system stored on a software program storing on a data storage medium and receiving requests from a user of the system in order to access the data storage. Tarenskeen does not clearly teach access to the data in an archival format and in a non-archival format.

However, Sathyanarayan teaches archival operations such as CPIO and TAR, archival format, and file system operations such as restore, writing and reading, non-archival format (sections 0001-0007, 0027-0028, 0031 and 0049).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Tarenskeen with the teachings of Sythyanarayan. One having ordinary skill in the art would have found it motivated to utilize the use of determining the request type such as archive operation and file system operation as disclosed (Sathyanarayan's sections 0027-0028), into the system of Tarenskeen for the purpose of having archiving utilities for the Unix operating system such as CPIO and TAR and file system operations such as reading, writing and restoring operations (Sathyanarayan's sections 0001-0002, thereby, speeding up archival operations and a copy process is also speeded up by transferring data from /to data storage

media and to minimize problems caused by the different types of storage devices having different data storage formats (Sathyanarayan's sections 0003-007).

With respect to claim 16, Tarenskeen teaches wherein said second routine supports accessing the data as a logical volume (storage device, fig. 1 and sections 0013-0014 and 0027-0028; also, sections 0001-0007).

With respect to claim 17, Tarenskeen teaches wherein said first routine supports accessing the data as an image copy of the data (abstract and section 0050).

With respect to claims 18-19, Tarenskeen teach an article as discussed in claim 15.

Tarenskeen teaches two routines such as archive and file system stored on an software program storing on a data storage medium and receiving requests from a user of the system in order to access the data storage. Tarenskeen does not clearly teach all of the data as a file structure and a specified file.

However, Sathyanarayan teaches file directories (abstract, sections 0018 and 0024-0025; also see sections 0030 and 0049 and 0034 and 0039).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Tarenskeen with the teachings of Sythyanarayan. One having ordinary skill in the art would have found it motivated to utilize the use of determining the request type such as archive operation and file system operation as disclosed (Sathyanarayan's sections 0027-0028), into the system of Tarenskeen for the purpose of having

archiving utilities for the Unix operating system such as CPIO and TAR and file system operations such as reading, writing and restoring operations (Sathyanarayan's sections 0001-0002, thereby, speeding up archival operations and a copy process is also speeded up by transferring data from /to data storage media and to minimize problems caused by the different types of storage devices having different data storage formats (Sathyanarayan's sections 0003-007).

With respect to claims 20-21, Tarenskeen teach an article as discussed in claim 15.

Tarenskeen teaches two routines such as archive and file system stored on an software program storing on a data storage medium and receiving requests from a user of the system in order to access the data storage. Tarenskeen does not clearly teach wherein the information about the data and includes a file system directory.

However, Sathyanarayan teaches file directories (abstract, sections 0018 and 0024-0025; also see sections 0030 and 0049 and 0034 and 0039).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Tarenskeen with the teachings of Sythyanarayan. One having ordinary skill in the art would have found it motivated to utilize the use of determining the request type such as archive operation and file system operation as disclosed (Sathyanarayan's sections 0027-0028), into the system of Tarenskeen for the purpose of having archiving utilities for the Unix operating system such as CPIO and TAR and file system operations such as reading, writing and restoring operations

(Sathyanarayan's sections 0001-0002, thereby, speeding up archival operations and a copy process is also speeded up by transferring data from /to data storage media and to minimize problems caused by the different types of storage devices having different data storage formats (Sathyanarayan's sections 0003-007).

With respect to claim 22, Tarenskeen an article of manufacture comprising a computer usable medium having data stored thereon and having computer readable program code stored thereon (software code or instructions stored on the disks such as CD: sections 0023 and 0053), the computer readable program code including a first routine for accessing the data and a second routine for accessing the data (accessing data form a software application including routines such as archive routine and file system routine or restore routine: abstract, sections 0019-0023, receiving requests from archive routine for accessing the data stored on the storage medium: section 0020 and calling the archive or file system routine via API section 0020).

Tarenskeen teaches two routines such as archive and file system stored on a software program storing on a data storage medium and receiving requests from a user of the system in order to access the data storage. Tarenskeen does not clearly teach a request from first target system type and a request from a second target system type.

However, Sathyanarayan teaches archival operations such as CPIO and TAR, archival format, and file system operations such as restore, writing and reading, non-archival format (sections 0001-0007, 0027-0028, 0031 and 0049).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Tarenskeen with the teachings of Sythyanarayan. One having ordinary skill in the art would have found it motivated to utilize the use of determining the request type such as archive operation and file system operation as disclosed (Sathyanarayan's sections 0027-0028), into the system of Tarenskeen for the purpose of having archiving utilities for the Unix operating system such as CPIO and TAR and file system operations such as reading, writing and restoring operations (Sathyanarayan's sections 0001-0002, thereby, speeding up archival operations and a copy process is also speeded up by transferring data from /to data storage media and to minimize problems caused by the different types of storage devices having different data storage formats (Sathyanarayan's sections 0003-007).

With respect to claim 23, Tarenskeen teaches wherein the first request type is by a first target system type and the second request type is by a second target system type (archive routine and file system routine or restore routine: abstract, sections 0019-0023).

With respect to claim 24, Tarenskeen teach an article as discussed in claim 22.

Tarenskeen teaches two routines such as archive and file system stored on an software program storing on a data storage medium and receiving requests from a user of the system in order to access the data storage. Tarenskeen does not clearly teach wherein the data is stored on the data storage medium as raw data blocks

However, Sathyanarayan teaches file directories (abstract, sections 0018 and 0024-0025; also see sections 0030 and 0049 and 0034 and 0039).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Tarenskeen with the teachings of Sythyanarayan. One having ordinary skill in the art would have found it motivated to utilize the use of determining the request type such as archive operation and file system operation as disclosed (Sathyanarayan's sections 0027-0028), into the system of Tarenskeen for the purpose of having archiving utilities for the Unix operating system such as CPIO and TAR and file system operations such as reading, writing and restoring operations (Sathyanarayan's sections 0001-0002, thereby, speeding up archival operations and a copy process is also speeded up by transferring data from /to data storage media and to minimize problems caused by the different types of storage devices having different data storage formats (Sathyanarayan's sections 0003-007).

With respect to claim 25, Tarenskeen teaches an article of manufacture comprising a computer usable data storage medium having data stored thereon (software code or instructions stored on the disks such as CD: sections 0023 and 0053), and having computer readable program code stored on secondary storage associated with the data storage medium, the computer readable program code including a first routine and a second routine, the first routine for accessing the data and a second routine for accessing the data, wherein the secondary storage is built into a cartridge for the data storage medium (accessing data form a software application including routines such as archive

routine and file system routine or restore routine: abstract, sections 0019-0023, receiving requests from archive routine for accessing the data stored on the storage medium: section 0020 and calling the archive or file system routine via API section 0020).

Tarenskeen teaches two routines such as archive and file system stored on a software program storing on a data storage medium and receiving requests from a user of the system in order to access the data storage. Tarenskeen does not clearly teach a first request type and a second request type.

However, Sathyanarayan teaches archival operations such as CPIO and TAR, archival format, and file system operations such as restore, writing and reading, non-archival format (sections 0001-0007, 0027-0028, 0031 and 0049).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Tarenskeen with the teachings of Sythyanarayan. One having ordinary skill in the art would have found it motivated to utilize the use of determining the request type such as archive operation and file system operation as disclosed (Sathyanarayan's sections 0027-0028), into the system of Tarenskeen for the purpose of having archiving utilities for the Unix operating system such as CPIO and TAR and file system operations such as reading, writing and restoring operations (Sathyanarayan's sections 0001-0002, thereby, speeding up archival operations and a copy process is also speeded up by transferring data from /to data storage media and to minimize problems caused by the different types of storage devices having different data storage formats (Sathyanarayan's sections 0003-007).

With respect to claims 28, 30, and 32-33, Tarenskeen teaches wherein the data storage medium is removable (floppy disks, magnetic tape: sections 53)

With respect to claim 29, Tarenskeen teach an article as discussed in claim 15.

Tarenskeen teaches two routines such as archive and file system stored on an software program storing on a data storage medium and receiving requests from a user of the system in order to access the data storage.

Tarenskeen does not clearly teach wherein the data is stored on the data storage medium as raw data blocks

However, Sathyanarayan teaches file directories (abstract, sections 0018 and 0024-0025; also see sections 0030 and 0049 and 0034 and 0039).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Tarenskeen with the teachings of Sythyanarayan. One having ordinary skill in the art would have found it motivated to utilize the use of determining the request type such as archive operation and file system operation as disclosed (Sathyanarayan's sections 0027-0028), into the system of Tarenskeen for the purpose of having archiving utilities for the Unix operating system such as CPIO and TAR and file system operations such as reading, writing and restoring operations (Sathyanarayan's sections 0001-0002, thereby, speeding up archival operations and a copy process is also speeded up by transferring data from /to data storage media and to minimize problems caused by the different types of storage devices having different data storage formats (Sathyanarayan's sections 0003-007).

With respect to claim 31, Tarenskeen teach an article as discussed in claim 22.

Tarenskeen teaches two routines such as archive and file system stored on an software program storing on a data storage medium and receiving requests from a user of the system in order to access the data storage. Tarenskeen does not clearly teach wherein the data is stored in accordance with an archival format.

However, Sathyanarayan teaches archival format (sections 0005 and 0007).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Tarenskeen with the teachings of Sythyanarayan. One having ordinary skill in the art would have found it motivated to utilize the use of determining the request type such as archive operation and file system operation as disclosed (Sathyanarayan's sections 0027-0028), into the system of Tarenskeen for the purpose of having archiving utilities for the Unix operating system such as CPIO and TAR and file system operations such as reading, writing and restoring operations (Sathyanarayan's sections 0001-0002, thereby, speeding up archival operations and a copy process is also speeded up by transferring data from /to data storage media and to minimize problems caused by the different types of storage devices having different data storage formats (Sathyanarayan's sections 0003-007).

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh Ly whose telephone number is (571) 272-4039 or via E-Mail: ANH.LY@USPTO.GOV (**Written Authorization being given by Applicant (MPEP 502.03 [R-2])**) or fax to (571) 273-4039 (Examiner's personal Fax No.). The examiner can normally be reached on TUESDAY – THURSDAY from 8:30 AM – 3:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene, can be reached on (571) 272-4107.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). Any response to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, or faxed to: **Central Fax Center:**

(571) 273-8300

ANH LY
NOV. 13th, 2006

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